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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,740

06/13/2006

Manfred Ueberschar

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EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,740	<b>Applicant(s)</b> UEBERSCHAR, MANFRED	
	<b>Examiner</b> Brenda A. Lamb	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-29 and 31-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-29 and 31-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 1792

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-29 and 31-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “said discharge device” at lines 10-11 of claim 22 lacks proper antecedent basis. It is unclear how the at least one channel in the discharge plate in claims 31-36 relates to drainage channels as set forth in claim 22. Claims 22, 28-29 and 43 are confusing due to a grammatical error. It is suggested that applicant amend claims 22, 28-29 and 43 as follows: at line 8 of claim 22, at line 7 of claim 28, at line 7 of claim 29 and at line 7 of claim 43 after “at least two application” delete “media” and insert – medium --.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

Art Unit: 1792

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al 5,885,659 in view of Nakamura et al 4,230,743 and Krogel 2,428,284.

Takahashi et al teaches the design of a curtain coating apparatus which is comprised of the following elements: a curtain coater assembly; a collecting device positionable between the curtain coater and the material web, the collecting device is movable relative to the curtain coater; and a lower collecting device is arranged under the material web.

Nakamura et al teaches the design of curtain coating assembly. Nakamura et al apparatus applies at least two application medium onto the web. Nakamura et al apparatus is comprised of the following: a first curtain coating head for application of first application medium; a second curtain coating head arranged downstream from the first coating head, the second coating head for application of second application medium; and separate collection means for each of the at least two application media (see Figure 4).

Krogel teaches the design of a multiple coating apparatus for applying multiple coating onto a moving continuous. Krogel apparatus is comprised of the following: a first coating head for application of first application medium; a second coating head arranged downstream from the first coating head, the second coating head for application of second application medium; and separate collection means for each of

Art Unit: 1792

the at least two application media to enable recycling of excess coating to a respective one of the coating heads.

Takahashi et al fails to teach the following: curtain coater assembly applies at least two application medium onto the web; the collecting device for separate collection of the at least two application media and the lower collecting device includes a separate channel for each of the at least two application media.

However, if one desires to apply at least two different liquid application media layers onto a moving web, it would have been obvious to modify the Takahashi et al apparatus by duplicating or providing two curtain coating heads along with two collecting devices or forming a collecting device assembly and two lower collecting means each having a channel or providing a flow path for fluid or forming a lower collecting device assembly with the two lower collecting means since it is known duplicate the collecting devices so as to correspond in number with applicators such as taught by Nakagawa et al and Krogel for the advantage disclosed by Krogel of enabling one to maintain separate the two application media such that the application media is recycled to its respective coating head.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al 4,230,743 in view of Ueberschar et al 2002/0066404, Takahashi et al 5,885,659 and Krogel 2,428,284.

Nakamura et al teaches the design of curtain coating assembly. Nakamura et al apparatus applies at least two application medium onto the web. Nakamura et al apparatus is comprised of the following: a first curtain coating head for application of

Art Unit: 1792

first application medium; a second curtain coating head arranged downstream from the first coating head, the second coating head for application of second application medium; and separate lower collection device for each of the at least two application media which is arranged under the material web and the walls of each tank 10 of the collecting device define a channel or flow path for each of the at least two application media (see Figure 4).

Krogel teaches the design of a multiple coating apparatus for applying multiple coating onto a moving continuous. Krogel apparatus is comprised of the following: a first coating head for application of first application medium; a second coating head arranged downstream from the first coating head, the second coating head for application of second application medium; and separate collection means for each of the at least two application media to enable recycling of excess coating to a respective one of the coating heads.

Takahashi et al teaches the design of a curtain coating apparatus which is comprised of the following elements: a curtain coater assembly; a collecting device positionable between the curtain coater and the material web, the collecting device is movable relative to the curtain coater; and a lower collecting device is arranged under the material web.

Nakamura et al fails to teach a collecting device for separate collection of the at least two application media.

However, it would have been obvious to modify the Nakamura apparatus by supporting first and second curtain coater as a unit or assembly such as shown by

Art Unit: 1792

Ueberschar et al to obviously minimize maintenance costs associated with separate support structure for each curtain coater. Further, it would have been obvious given the modifications of the Nakamura apparatus as discussed above to provide separate movable catch pan/collecting device positionable in a manner set forth in the claims for the separate collection of the two application media since Takahashi et al teaches the use of a combination of a catch pan/collecting device, positionable in a manner set forth in the claim, with a lower collecting device in order to prevent excess coating from being deposited on the web during period of time surrounding the start-up or shut down of the application especially given the teaching of Krogel that maintaining separate an excess of each of the two application media will enable one to recycle an excess of each of the two application media directly back to its respective coating head.

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claims 22-29 and 31-42 are would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

Art Unit: 1792

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1231. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A Lamb  
Primary Examiner  
Art Unit 1792

/Brenda A Lamb/

Primary Examiner, Art Unit 1792